IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION NO : 12327 of 1995

Between:

General Secretary, Vizianagaram Cine Workers union, Vizianagaram.Krishna District.

Rep. General Secretary- K.Krishna.

..... PETITIONER

AND

1. Rajyalakshmi Theatre, Rep. By its Prop: K.Rajyalakshmi, Vizianagaram.
2. Presiding Officer, Industrial Tribunal- cum-Labour Court, Visakhapatnam.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring that the award of the 2nd respondent passed in I.D.No. 183/93, on the file of the court of the Industrial Tribunal cum Labour Court, Visakhapatnam, as illegal and set aside the same after examining the records relating to I.D.No. 183/93 Award.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondents: GP FOR LABOUR

The Court made the following:

ORDER:

This Writ Petition is filed challenging the Award passed by the Industrial Tribunal in I.D. No. 183 of 1993, dated 15th March, 1995.

2. The Government of Andhra Pradesh referred the following reference for adjudication to the Industrial Tribunal:

> *"Whether the action of the management of Sri Rajya Lakshmi Theatre Vizianagaram is justified in retrenchment of seven workmen on the ground of closure of the theatre on financial grounds?*
>
> *If not to what relief the union/workmen are entitled?"*

3. The Tribunal, after considering the material available on record, recorded a finding that the termination of the services of the workmen on the ground of bona fide closure of the theatre under financial grounds or crisis was justified and therefore, granted no relief to the petitioners and accordingly passed an award on 15th March, 1995. The said award is assailed in the present Writ Petition.

4. The learned counsel for the petitioner submits that the finding recorded by the Tribunal regarding the closure of the theatre was justified on account of financial grounds is not based on any evidence on record and therefore, the award suffers from error apparent on the face of the record. I am afraid I cannot accept the contention. Before the Tribunal, two workmen were examined and Exs.W.1 to W.9 were marked, for Management one witness was examined and Exs.M.1 to M.19 were marked. The Tribunal after taking into consideration the financial position of the theatre and also perusing the profit and loss account came to the conclusion that

the closure of the theatre was on account of financial difficulties. Such a finding having been arrived on appreciation of evidence, cannot be interfered under Article 226 of the Constitution of India. Thus, I do not find any jurisdictional error in the award passed by the Tribunal.

5. Accordingly, the Writ Petition is dismissed. No costs.

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0710-2004

kvrm/ycr

To

1. Presiding Officer, Industrial Tribunal cum Labour Court,
   Visakhapatnam.

2. 2 CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT).

3. 2 CD copies